

REMARKS

With this Amendment, claims 1 and 6 are cancelled. Therefore, claims 2-5, 7-33, 36, and 37 are all the claims currently pending in this Application.

Claim Amendments and Cancellations

With this Amendment, allowable claims 18 and 26 are rewritten into independent form, including the limitations of claim 1, from which they previously depended. Applicants note that rewritten claims 18 and 26 are slightly modified to address the §112, second paragraph, rejection, discussed below. Rejected independent claim 1 is cancelled. Claims 2 and 7 are amended to depend from allowable claim 18. Claim 13 is amended to depend from allowable claim 26. Claim 6 is cancelled.

Allowed and Allowable Claims

The Examiner indicates that claims 3-5, 14-17, 32-33, and 36-37 are allowed and that claims 18-31 contain allowable subject matter and would be allowed if rewritten into independent form including the limitations of the claims from which they depend and to overcome the rejections under 35 U.S.C. § 112, second paragraph.

With this Amendment, claims 18 and 26 are rewritten into independent form, including the limitations of claim 1, and addressing the §112 rejections, as discussed below. Claims 2, 7-12, and 19-25 depend from claim 18. Claims 13 and 27-31 depend from claim 26. Applicants respectfully request allowance of claims 2, 7-12, and 18-31.

§112, second paragraph

Claims 1, 2, 6-13, and 18-31 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 6 are cancelled, as discussed above. Regarding claim 1, the Examiner expressed that “it s unclear how the illuminating light beam is able to converge at the same point in space when the illuminating light passes through the sample and when the illuminating light does not pass through the sample. Applicants submit that the current amendments to claims 18 and 26 and the following comments address this issue.

Claim 18, for example, recites that the optical converging system “focuses a single beam of illumination light from the illuminating means, at a converging point.” Further, there is “a sample mounting table for mounting a sample between said illuminating means and said converging point.” With exemplary reference to Figure 1, the light from the illuminating means 1 is focused by the optical converging system 2, to be focused at a converging point 4. A sample mounting table 5 mounts a sample 6 between the illuminating means and the converging point such that the light may pass through the sample and continue to be focused at the converging point.

In view of the above, Applicants respectfully request that the §112 rejection of the claims be reconsidered and withdrawn.

Prior Art Rejections

Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Greenberg ‘139 (U.S. Patent 5,305,139) in view of Greenberg ‘626 (U.S. Patent 5,684,626). Claim 2 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Greenberg ‘139 in view of Greenberg ‘626 and Shimada (U.S. Patent 6,043,475). Claims 7-12 stand rejected

under 35 U.S.C. § 103(a) as allegedly unpatentable over Greenberg '139 in view of Greenberg '626 and Ellis (U.S. Patent 4,255,014). Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Greenberg '139 in view of Greenberg '626, Ellis, and Shimada.


Regarding these rejections, Applicants note that claims 1 and 6 are cancelled and that the remaining rejected claims are amended to depend from independent allowable claim 18 or independent allowable claim 26. Therefore, Applicants respectfully request that the §103(a) rejections of the claims be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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